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SUDAN: LOSING GROUND ON PEACE?

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

OF THE

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SUDAN: LOSING GROUND ON PEACE?

TUESDAY, NOVEMBER 1, 2005

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS
AND INTERNATIONAL OPERATIONS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 4:05 p.m. in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith, (Chairman of the Subcommittee) presiding.

Mr. SMITH. Subcommittee will come to order. Over the last few years, the United States Congress has devoted a great deal of attention to the troubled East African nation of Sudan.

Initially, we were as concerned about the issue of slavery as we were about the country's destructive civil war. Over several years I have held several hearings on this issue of slavery, as early as March 1996.

Unfortunately, to this date, there is no proof that the existence of slavery in Sudan has been eliminated. Certainly no reason has been given to Congress to justify the downgrading of Sudan's status as a nation guilty of trafficking in persons.

We have also devoted attention to resolving the 21-year-old North/South conflict between the National Congress Party Government in the North and the Sudan People's Liberation Movement in the South.

With the signing of the Comprehensive Peace Agreement on January 9 of this year, there was great hope that this longstanding war would finally be brought to a peaceful and equitable end so that the suffering would be over and reconstruction could begin.

However, the sudden death of SPLM leader, Dr. John Garang, seems to have thrown the peace process off track and there is evidence that the National Congress Party may be trying to forestall the peace accords rather than to implement them.

Most recently, we have been focused on the tragic situation in the Darfur region of Sudan, where as many as 400,000 people have been killed in a conflict that began in February 2003. At one point, as many as 10,000 people per month were dying due to attacks led or abetted by the Government of Sudan.

More than 2 million residents of Darfur have been displaced, many of them living in internally displaced persons camps.

I visited two of these camps in August with my friend and colleague, a member of the Subcommittee staff who deals with African issues, Greg Simpkins. We went to Mukjar camp and Kalma camp, perhaps the largest IDP camp in the world.

When I visited South Darfur this past August, again with Greg, we found encouraging signs in the determination of the people of Darfur to survive, even in horrendous circumstances.

We also were impressed with the dedication of the USAID staff and contractors, as well as the NGOs on the ground, to provide much needed humanitarian assistance, despite many logistical and bureaucratic obstacles.

However, there were some troubling conditions that have only worsened since our return. The tens of thousands of people living in Kalma camp had refused to allow Sudanese police into the camp because they saw them as enemies.

The police proved them right by shooting over the camp nightly to frighten residents. When the shooting didn't chase camp residents out, a commercial embargo was put into place so that people in the camp were unable to bring in any supplies beyond what they could carry on themselves.

The people in Kalma camp, like the people in other IDP camps, are justifiably afraid to leave. Women have been routinely raped upon venturing outside the camp for water or for firewood. Bandits are not only robbing people outside the camps, but they are killing them, as well, in all too many cases.

While in Darfur, we met with African Union (AU) troops, whose commanders told us that they had too few vehicles to patrol effectively and to carry out their mission to protect the people of Darfur from attacks.

AU commanders told us that the pay they had been promised was not forthcoming. When we were there in August, the average AU soldier was receiving $1.28 a day and had been promised about $15 a day.

Given the attacks and kidnappings of AU troops, I believe they are demonstrating extraordinary commitment under trying circumstances.

Last month, the AU accused the Government of Sudan of joining with the Janjaweed militias in attacking villages and refugee camps. After supposedly ending their collaboration with the Janjaweed weeks ago, this alliance appears to be back in place.

The Darfur peace talks have not made much progress, largely due to the splintering of the rival Sudan Liberation Army, or SLA, who with the Justice and Equality Movement, or JEM, declared war on the Government of Sudan nearly 3 years ago.

The Government of Sudan also bears responsibility for these talks being stymied. Furthermore, Eritrea and Libya are supporting these rebel movements and they too are making a peaceful settlement less likely.

Meanwhile, the SPLA, now a part of the Government of Sudan, has not played a noticeable role in the Darfur conflict, as it did under Dr. John Garang.

However, failure to resolve the Darfur situation could help unravel the peace between the North and the South. That peace agreement certainly faces its own challenges from a National Congress Party that seems to want an agreement in name only, and from an SPLM struggling to regain its footing after the death of its longtime leader.

Too many aspects of the Comprehensive Peace Agreement remain undone. I spoke with the Catholic Archbishop of Juba last week and he told me that the development of the South was desperately in need of international support. He said frustration over the slow pace of the peace process will only increase the separatist elements in the South.

According to the Archbishop, the northern part of the government has not withdrawn its troops from the South, as scheduled, nor has it established key commissions to implement the peace accord, nor complied with the international commission that already has set the boundary between the North and the South.

Congress has tried, in our recent legislative effort, to take into account the entirety of the crisis of Sudan. We surely want to focus on the accountability of those involved in genocide in Sudan, but we cannot ignore other parts of the complex picture in this country.

We must keep a focus on the North/South peace accord or it may fail and plunge the country back into a wider conflict.

Today's hearing is necessary and is required to learn from the Administration how our Government's policy is attempting to tackle this difficult situation and how Congress can help create a comprehensive plan to contribute to peace and to accountability for those who have murdered, raped, enslaved and otherwise plagued the people of Sudan for so many years.

Our Committee's Chairman, Mr. Hyde, with many of us working with him, has fashioned a bill that we feel will make such a contribution.

We want to move forward on this effort as soon as possible, for the sake of so many who are still in danger in Sudan.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

Over the last few years, the U.S. Congress has devoted a great deal of attention to the troubled East African nation of Sudan. Initially, we were as concerned about the issue of slavery as we were about the country's destructive civil war. Over several years, I have held numerous hearings on this issue—as early as March 1996. Unfortunately, to this date there is no proof that the existence of slavery in Sudan has been eliminated. Certainly, no reason has been given to Congress to justify the downgrading of Sudan's status as a nation guilty of trafficking in persons.

We also have devoted attention to resolving the 21-year North-South conflict between the National Congress Party government in the North and the Sudan People's Liberation Movement (SPLM) in the South. With the signing of the Comprehensive Peace Agreement on January 9th of this year, there was great hope that this longstanding war would finally be brought to a peaceful and equitable end so that the suffering would be over and reconstruction could begin. However, the sudden death of SPLM leader John Garang seems to have thrown the peace process off track, and there is evidence that the National Congress Party may be trying to forestall the peace accords rather than implement them.

Most recently, we have been focused on the tragic situation in the Darfur region of Sudan, where as many as 400,000 people have been killed in a conflict that began in February 2003. At one point, as many as 10,000 people per month were dying due to attacks led or abetted by the Government of Sudan.

More than two million residents of Darfur have been displaced, many of them living in internally displaced persons camps. I visited two of these camps in August, including Kalma camp, perhaps the largest IDP camp in the world.

What I found in my visit was troubling. The tens of thousands of people living in Kalma camp refused to allow Sudanese police into the camp because they saw them as enemies. The police only proved them right by shooting over the camp nightly to frighten residents. When the shooting didn't chase camp residents out,

a commercial embargo was put in place so that people in the camp were unable to bring in any supplies beyond what they could carry on themselves. The people in Kalma camp, like people in other IDP camps, are justifiably afraid to leave. Women have been routinely raped upon venturing outside the camp for water or firewood. Bandits are not only robbing people outside the camps, but they are killing them as well in all too many cases.

While in Darfur, I met with African Union troops, whose commanders told us that they had too few vehicles to patrol effectively and carry out their mission to protect the people of Darfur from attacks. AU commanders also told me that the pay they had been promised was not forthcoming. When I was there in August, the average AU soldier was receiving $1.28 a day. Given the attacks and kidnappings of AU troops, I believe they are demonstrating extraordinary commitment under trying circumstances.

Last month, the AU accused the Government of Sudan of joining with the Janjaweed militias in attacks on villages and refugee camps. After supposedly ending their collaboration with the Janjaweed weeks ago, this alliance appears to be back in place.

The Darfur peace talks have not made much progress, largely due to the splintering of the rebel Sudan Liberation Army or SLA, who with the Justice and Equality Movement or JEM, declared war on the Government of Sudan nearly three years ago. The Government of Sudan also bears responsibility for these talks being stymied. Furthermore, Eritrea and Libya are supporting these rebel movements, and they too are making a peaceful settlement less likely.

Meanwhile, the SPLA, now a part of the Government of Sudan, has not played as noticeable a role in the Darfur conflict as they did under John Garang. However, failure to resolve the Darfur situation could help unravel the peace between the North and the South. Certainly, that peace agreement faces its own challenges—from a National Congress Party that seems to want an agreement in name only and from an SPLM struggling to regain its footing after the death of its longtime leader.

Too many aspects of the Comprehensive Peace Agreement remain undone. I spoke with the Catholic Archbishop of Juba last week, and he told me that development in the South was desperately in need of international support. He said frustration over the slow pace of the peace process will only intensify the separatist elements in the South. According to the Archbishop, the northern part of the government has not withdrawn from the South as scheduled nor established key commissions to implement the peace accord nor complied with the international commission that set the boundary between the North and South.

Congress has tried in our recent legislative efforts to take into account the entirety of the crisis in Sudan. We surely want to focus on the accountability of those involved in genocide in Sudan, but we cannot ignore other parts of the complex picture in this country. We must keep a focus on the North-South peace accord or it may fail and plunge the country back into a wider conflict.

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Mr. SMITH. I would like to yield to my friend and colleague, Mr. Payne, who has been a tireless worker for peace in Sudan, for such time as he may consume.

Mr. PAYNE. Thank you very much, Mr. Chairman, and let me commend you for calling this very important hearing on the increasing worrisome situation in Sudan.

I welcome Assistant Secretary Frazer to the Committee. I look forward to working with her and hearing her testimony.

I would like to commend you for the outstanding work that you have done in your previous capacities in the National Security Council and as an Ambassador to South Africa, and it was a pleasure traveling with you to Liberia recently to observe the elections in Liberia, which I thought went extremely well and we look forward to the runoffs on next Tuesday, a week from now.

I know that you travel to other countries and I would be interested at some time to assess what your findings were.

Since you are certainly new in this position, you just happen to be the messenger. So we don't want you to take it personally. Perhaps we will see some changes under your tenure.

We certainly feel that the loss of Dr. John Garang was a tremendous setback to the peace accord in Sudan. As the Chairman said, I have been traveling to Sudan since the early 1990s and Dr. Garang has been a tireless warrior for the people of South Sudan and we were all saddened with his untimely death, and certainly we feel it has been a setback to the process.

I had the privilege to attend the wake in Yay, the day before the funeral in Juba, and you could see on the faces of the Sudanese the sorrow and sadness that sort of besieged the country.

We will have to move forward, but I hope that all of the work that he has done and even his death has not been in vain.

My objective for listening to your testimony at this hearing is to get a clarification on United States policy toward the current regime in Sudan. We do have a National Unity Government, which was recently formed, but I have serious concerns about the commitment of the ruling National Congress Party to real, true, lasting peace in Sudan.

We must not let up pressure on the government. We must ensure that they fully implement the Comprehensive Peace Agreement and end the violence in Darfur without any further foot-dragging and excuse-making.

At the same time, we must provide increased assistance to the Government of Southern Sudan, led by Salva Kiir, who I first met in 1994 and who has certainly been a close ally of Dr. John Garang for as long as the movement has been going forth.

One hundred and five Members of Congress sent a letter to Secretary Rice yesterday expressing the following concerns: One, recent developments in Darfur, including the kidnapping and killing of African Union troops and humanitarian workers, the closure of main roads leading out of the capitol of Western Darfur.

It is estimated by the United Nations that nearly three-quarters of a million refugees are beyond the reach of humanitarian aid, which means that we will start seeing tragedy again by the fact that resources cannot get to these people.

Delay in the implementation of the Comprehensive Peace Agreement, which mandates the immediate withdrawal of government troops from disputed areas, government reform of civil service, security forces and a judiciary and the establishment of an investigatory commission into the genocide in Sudan.

An apparent softening of United States policy toward the Government of Sudan was also expressed in the letter to Secretary Rice.

I have followed the crisis in Sudan, as the Chairman mentioned, for a long time, for at least 21 years that the war had been going on between the Islamist Government in Khartoum and the Sudan People's Liberation Army and Movement (SPLM).

As you are well aware, more than 4 million people were displaced in that civil war since 1989 and over 2 million people have died as a result of that struggle that had gone on when Sharia law was im-

posed on the entire country to those who are Christians, Animists, agnostics, and atheists and felt that they should not be under Sharia law, because they did not believe in the Koran.

During that time, the National Islamic Front, the NIF Government, led by Omar El Bashir, committed innumerable brutalities and unimaginable scope against the people of the South and marginalized the areas of Southern Blue Nile and Nuba Mountains.

It was the longest running war in Africa, until January 9, when the parties signed the Comprehensive Peace Agreement (CPA).

I was there in Nairobi for the signing and was cautiously hopeful for the long-awaited peace in Sudan. However, once again, when the North/South conflict reached the point where an agreement was imminent, the government began its attack on innocent civilians in Darfur, which caught us all by surprise.

With the help of the Janjaweed, they destroyed villages and communities, maimed, raped, killed, terrorized the people of Darfur.

We know that the AU mission is simply not deployed at the adequate numbers to quell the violence in Darfur and that its mandate must be strengthened to protect civilians. Still I commend the AU for the tremendous role it has played, but more is needed to protect the innocent civilians of Darfur.

The people of Sudan have suffered tremendously under the hand of this government, which by the way came to power in a bloody coup in 1989, as I mentioned. Concerned citizens of this great country have devoted years to ending the bloodshed in Sudan, first South Sudan and now Darfur.

We could be looking at a crisis in East Sudan soon as well, if the government does not stop its genocidal behavior in that region.

The message must be clear and concise. Until the following occurs, the United States is ill-advised and must not normalize relations with the Government of Sudan. It is just that simple. The crisis in Darfur is resolved peacefully is when we should look at a normalization of our relations with the Government of Sudan. When the Janjaweed and allied militia are disarmed and demobilized is when we should look at normalized relations with Sudan.

When the Government of Sudan is cooperating with the ICC is when we ought to normalize relations with Sudan. When suspects are handed over for trial to the ICC is when we should normalize relations with Sudan.

When the Government of Sudan negotiates in good faith in the East is when we should normalize relations with Sudan. When the Government of Sudan is cooperating fully to disarm, demobilize, and hand over the LRA leaders who are killing children, have done it for 18 years and go to Sudan for cover, that is when we should normalize relations with Sudan.

When the CPA is being implemented in good faith and without delay, including the implementation of the Bayee Commission Report, withdrawal of the government forces from the South as called for in the CPA, setting up of key commissions as called for in the CPA, revenue sharings as called for in the Wealth Sharing Agreement, that is when we should normalize relations with Sudan.

The Sudan crisis is not abating. We must be firm with Khartoum. We must ensure compliance. We must stop the killing.

No more visits from the Sudan intelligence chief or other architects of genocide should be tolerated in this country.

No more waiving of certain sanctions, like that allowing Sudan to hire lobbyists in Washington for $530,000 so they can clean up their image.

I look forward to hearing your testimony.

Mr. SMITH. Thank you very much, Mr. Payne.

Chairman Royce.

Mr. ROYCE. Thank you, Mr. Chairman. Like you, I have traveled to Darfur and I have seen the results of the government's genocidal campaign, and when I say genocidal campaign, we took Don Cheadle and Paul Rusesabagina, the hotelier who Don Cheadle portrayed, and we went into a little town that had been attacked by the Janjaweed and it had been bombed prior to that. The town formerly had 30,000 inhabitants. There were only a couple hundred left in that particular town.

We talked to a number of survivors of those attacks. Children drew us pictures that looked an awful lot like Antonov bombers dropping bombs on their village and it is hard to believe that since those villages were bombed it wasn't done by the government.

I remember one young boy who put out his arm, but there was no hand. I asked him what happened to it and he said, the Janjaweed, Janjaweed.

I am deeply troubled by the continuing violence in Darfur, which is mostly the government's responsibility and I look forward to hearing from the Administration what it is doing to end the killing and suffering and move the peace process ahead.

Again, I thank the Chairman for holding this hearing and I thank you very much for being with us today. I appreciate it very much.

Mr. SMITH. Chairman Royce, thank you very much.

Ambassador Watson?

Ms. WATSON. Thank you so much, Mr. Chairman. I too must join with my colleagues, Royce and Payne.

I had the good fortune of traveling with Mr. Royce and I cannot find a more committed and dedicated Member of our House for the cause of eradicating this genocide, and Mr. Payne, who has a distinguished record of fighting for the people of Sudan and who goes often and reports back to us, formally and informally, and I want to thank them.

But unfortunately, what I see right now when I look at the United States' policy toward Sudan is the willingness to tolerate any behavior by the Khartoum regime in the interest of improving relations.

I think there is something wrong about that. This Administration has taken several actions, over the past few months, which send the unmistakable message that Washington is pleased with the behavior of the Sudanese Government. Well, not from my viewpoint.

I understand that Sudan's trafficking in persons status has been upgraded to title II watch list and it is a title II watch list country, which would put it in the same company as Israel and Switzerland.

This, despite the fact that earlier this year the UN documented abductions and sexual slavery by the Sudanese troops and we

heard the stories that were given when we were out among the refugees and they were blood-chilling and blood-curdling.

We were able to spend time with Rusesabagina, the actual manager, and he told us what really happened, and that movie did not give you all of the ugliness and the pain and the tragedy that they actually went through.

For an example, he said when they came into a village and they would go to the Janjaweed to someone's home and by the way, they were high off of drugs and alcohol when they did this, and they would go to someone's home and they would get the father or the head of the household and they would chop off his feet. They wouldn't kill him. They would chop off his feet. Then they would come back the next day, chop off his arms. Then they would go back to kill him, had he not bled to death before that.

That actually took place and he told us these stories and Don Cheadle tried to enact them, some of them, in the movie. Well this kind of madness and savagery is actually taking place and probably as we speak.

The Administration has also issued a waiver to permit the Government of Sudan to hire a Washington lobbyist to permit the architect of genocide in Darfur to develop and sell a public relations strategy on Capitol Hill.

Well let me tell you for one, they can't sell that to me. They can't sell that to Payne and I know the rest of my colleagues will not buy that.

They can come in and put whatever face they want on it, but those of us who have been there and talked and been among the refugees know that what they are selling us is bitter goods.

Meanwhile, the Sudanese Government in Khartoum continues to arm and support the militias, who have murdered tens of thousands of people and forced over 2 million out of their homes.

As the United States of America, we have an investment in the Comprehensive Peace Agreement for the Sudan. We need to see it work, but it will not work if we fail to press the Sudanese Government to stop the genocide.

Unless the United States demands that Sudan end the violence in Darfur, I fear we will be left with a Comprehensive Peace Agreement that is neither comprehensive nor peaceful.

I will be listening to hear what specific measures the Administration will take to first dispel the appearance that we are seeking to rehabilitate Khartoum's genocidal regime and second, increase the pressure on the Khartoum regime to change its behavior and permit all of its citizens to live in peace.

Once you are out there and you go among the people, you know that we must move in a positive direction now. We cannot let another child's hand be cut off. We cannot let another mother go into mourning over the loss of her husband, and we cannot let a people be wiped out on this watch.

Thank you, Mr. Chairman, very much. I yield back my time.

Mr. SMITH. Thank you very much.

Jeff Fortenberry.

Mr. FORTENBERRY. Thank you very much, Mr. Chairman. I just simply wish to commend you for your consistent concern over this issue, for your long held willingness to dig deep into the complex-

ities of this irrational lawlessness and violence, which seems to govern this area.

So given the complexities and how difficult the challenges are that present themselves, in terms of the solution, I simply look forward to hearing some possible answers today. Thank you so much.

Mr. SMITH. Mr. Fortenberry, thank you very much.

Let me now introduce our very distinguished witness for today's hearing, Secretary Jendayi Frazer, who was sworn in as Assistant Secretary for the Bureau of African Affairs in August 2005.

Prior to becoming Assistant Secretary, Secretary Frazer served as the U.S. Ambassador to South Africa and as Special Assistant to the President and Senior Director for African Affairs at the National Security Council.

Ambassador Frazer came to the NSC from Harvard University, where she was Assistant Professor of Public Policy.

As a counsel on Foreign Relations International Affairs Fellow, she served as a political military planner, with the Joint Chiefs of Staff, in the Department of Defense, and as Director for African Affairs at the NSC.

Ambassador Frazer has a very distinguished career, is very capable, and is a very able leader on these vexing issues. You are very welcome to this hearing and please proceed as you would like.

STATEMENT OF THE HONORABLE JENDAYI FRAZER, ASSISTANT SECRETARY OF STATE FOR BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE

Ambassador FRAZER. Thank you very much, Mr. Chairman and Members of the Committee. I thank you for giving me the opportunity to testify on our Sudan policy and I also thank you for your resolve and commitment on trying to push for a better Sudan, a Sudan that will be peaceful and prosperous for all of its people.

Today I would like to review with you the United States strategy to push for implementation of the Comprehensive Peace Agreement and to resolve the crisis in Darfur.

Mr. Chairman, with your permission, I would request that my written testimony be placed in the record and I will highlight the main points of the Administration's Sudan policy this afternoon.

Mr. SMITH. Without objection.

Ambassador FRAZER. Thank you. First, the Administration's primary goal is a peaceful and democratic Sudan that contributes to regional development and cooperates on counterterrorism.

Over the past 5 years, we have made steady progress toward this goal. Mr. Chairman, you specifically asked: Are we losing ground on peace in Sudan? The answer is as challenging and complex as the country itself.

On the North/South peace front, we have clearly gained ground. On Darfur, it is back and sometimes forth, but mainly back, but we do have a plan for progress there. We also have to be watchful and take preventative measures to not lose ground in the East.

First, Mr. Chairman, let me outline where we are today and why I say we have made progress toward our overall goal over the past 5 years.

On January 22, 2001, President Bush told his then National Security Advisor, Dr. Condoleeza Rice, that we must end the war in

Sudan and stop the humanitarian and human rights abuses in the South.

As you well know, Mr. Chairman, the National Congress Party that controlled the Government of Sudan and the Sudan People's Liberation Movement were bitter enemies that had warred for over 22 years.

As Congressman Payne said, 4 million people were displaced, 2 million died in that bitter conflict. Yet as a result of active United States diplomacy, working closely with Kenya, IGAD, and other international partners, the SPLM and Khartoum Government signed the historic Comprehensive Peace Agreement on January 9, 2005, in Nairobi, Kenya.

The United States led international efforts to achieve that success and the Bush Administration remains committed to its full implementation.

We witnessed, on July 9, 2005, the installation of the Chairman of the SPLM, the late Dr. John Garang, as First Vice President of Sudan and Khartoum.

Since then, members of the SPLM, the NCP, and other parties have formed the Government of National Unity in Khartoum and SPLM, under the new First Vice President of the Government of National Unity, Salva Kiir, have set up the Government of Southern Sudan in Juba.

I would just say that, as you know, the First Vice President Salva Kiir is here on his first international trip and he has had a chance to meet today with Vice President Cheney, with Secretary Rice, with Deputy Secretary Zoellick, and myself. So some of the testimony that I will state is based on our direct consultations with the First Vice President.

These historic changes are major steps forward, but clearly there is more for the parties to do. I know that you, Mr. Chairman, and Members of this Committee, as well as the Administration, remain concerned that many of the national commissions called for in the CPA still must be stood up, troop withdrawals are behind schedule, demobilization, disarmament, and reintegration needs to move forward.

These are just three areas to cite that are of particular importance. Still and most significantly, the Comprehensive Peace Agreement passed its first major test, the tragic death of its key architect, the First Vice President Dr. John Garang.

Dr. Garang was committed to the cause of a peaceful, prosperous and united Sudan. While his death is a great loss, there is every reason to hope that his vision of a peaceful, democratic and unified Sudan will be fulfilled.

Demonstrating the resilience of the CPA, Garang's successor, Salva Kiir, was inaugurated as First Vice President in an orderly process and he has stated his unwavering commitment to realizing Dr. Garang's vision.

In addition, Dr. Garang's widow, Rebecca, is carrying forward her husband's vision and is now serving as a Minister of Transport and Roads in the Government of Southern Sudan.

Mr. Chairman, Ambassador Zoellick just had a phone call with Vice President Taha to talk about the implementation of this Comprehensive Agreement and he confirmed that the Assessment and

Evaluation Commission, the National Petroleum Commission, as well as the Boundary Commission have now been formed by decree issued by President Bashir.

Vice President Kiir told us this morning that he had expected the announcements today, since when he left Sudan, the membership of the commissions were already agreed upon and it was a matter of making the announcement. So there has been some progress and we welcome this news of the establishment of these key commissions.

As far as the Administration is concerned, the next critical steps are for both parties to honor the security commitments, particularly by forming a joint defense board, setting up the joint integrated units and, as I mentioned, withdrawing the troops, particularly the government troops, from the South and from Juba.

Mr. Chairman, let me emphasize a fundamental premise of our Sudan strategy to maintain peace momentum. The Administration views implementation of the Comprehensive Peace Agreement and resolution of the Darfur crisis as interrelated issues.

Implementation of the CPA is crucial to ending the violence in Darfur. Moreover, without progress in Darfur, there is a real danger for the violence to spill over into other areas of Sudan.

The bottom line is the CPA is applicable in many respects to all areas of Sudan and is designed to share power and wealth between a center a periphery areas, a key root of the conflict in all parts of Sudan. It serves as a framework for other political agreements, including in Darfur.

To get to Darfur, clearly it is an unacceptable situation that must end now. Darfur is complex. It is a difficult situation that we, the Administration and Congress, have characterized as involving genocide.

The people of the United States know that this Administration, under the direction of President Bush, Secretary Powell, and now Secretary Rice has been the global leader in efforts to end the violence and suffering in Darfur.

President Bush was the first head of state to speak out publicly on the unfolding violence and atrocities in Darfur in 2004. The United States was the first country to call for action in the United Nations Security Council.

We were instrumental in obtaining a cease-fire agreement between the Government of Sudan and the Darfur rebels, the Sudan Liberation Movement and the Justice and Equality Movement, in April 2004.

The United States was also the first to emphasize a need for intervention to stem the violence and as a result of our actions, the African Union agreed to deploy observers and troops to Darfur in August 2004.

Since that time, the United States has worked closely with the African Union to build 32 base camps and with other donors provided airlift for over 6,900 African Union personnel now deployed to Darfur. This was possible with the over $160 million in resources provided by the Congress.

President Bush continues to be committed to ending the conflict in Darfur and the effort that the United States has mounted with the international community has yielded results in Darfur.

As a result of the African Union's intervention and pressure exerted on the Government of Sudan and the Darfur rebels, the AU-led political talks are moving ahead in Abuja; large-scale, organized violence has substantially diminished since early 2005; and mortality rates have dropped.

That said, the situation in Darfur remains intolerable. Over 2.4 million people are living in camps for internally displaced persons. Another 200,000 have sought refuge in neighboring Chad. Violence continues to plague civilian populations, as we see in the current spike of violence, caused by banditry, actions initiated by rebel movements, actions by the government forces, and continued marauding by the Janjaweed militia.

We continue to make categorically clear the responsibility of the Government of Sudan, now the Government of National Unity, that it must end support to the Janjaweed and work actively to stop its actions while ensuring discipline within the Government of National Unity's own forces.

But the bottom line, Mr. Chairman, is that a political solution is needed to end the violence in Darfur. We are trying to take actions.

The way ahead in Darfur is to continue to make clear to the Government of Sudan its responsibility to insist that all sides respect the cease-fire and to work with regional countries, Libya, Chad, Eritrea and others to try to continue to put pressure on the rebels to respect a cease-fire and to negotiate a political solution.

In that regard, Deputy Secretary Zoellick will be leading a mission next week to Kenya and to Sudan to advance the Administration's efforts to restore peace to Darfur and set the groundwork for a lasting political settlement in Abuja.

He is going to, in those Nairobi talks, bring the SLM leadership together so that they can form a united front in their negotiations with the Government of National Unity, making it clear to the Government of Sudan its responsibility, insisting on accountability of all sides to the cease-fire, pushing for the political solution in the talks to Darfur.

We also are pushing the Government of National Unity to have a joint negotiating team at Abuja and, in my consultations and the Administration's consultations with the First Vice President, Salva Kiir, he told us that the Government of National Unity has established a High-Level Committee on Darfur, which will be headed by Bashir, and which will also have First Vice President Kiir, Second Vice President Taha and other Cabinet ministers as the joint team that will then go to Darfur to negotiate with SLM and JEM.

So we will continue to support the AU-led Abuja talks. We have sent a U.S. senior official as an observer. We have also provided technical expertise to assist the mediator.

Then finally, our approach to Darfur is to strengthen the African Union mission there. We wish to strengthen its capability, for example, with the delivery of the 105 Canadian armored personnel carriers.

We are also pushing to increase NATO training and advice. We are trying to ensure a consistent understanding by the AU forces of their mandate, continuing to look at UN logistical assistance and perhaps even bringing the AU mission in Darfur under the UN peacekeeping to strengthen the security environment.

Finally, we are continuing to provide humanitarian assistance in Darfur and in Southern Sudan. In Fiscal Year 2005, we provided over $650 million, mostly in humanitarian assistance and support to the African Union mission and over $450 million in reconstruction and humanitarian assistance to other areas in Sudan, including Southern Sudan in the three transition areas, Nuba Mountains, Southern Blue Nile and Abyei.

Finally, Mr. Chairman, the U.S.G. continues its strong support for the South and we will help the Government of Southern Sudan to build the institutions, capacity, transparency and infrastructure necessary for it to function.

We believe that the institutions in Sudan have changed substantially over the past 10 months, since the signing of the Comprehensive Peace Agreement, which has led to the new interim National Constitution, the formation of the new Government of National Unity in Khartoum, and the new Government of Southern Sudan.

We have to keep working with the SPLM to develop the new governmental institutions, both in the South and in the North. We will continue to work with international partners to support the commissions and other integrative programs designed to facilitate the peaceful transition to Dr. Garang's vision of a united or unified government.

Congress and the Administration share an interest in keeping the pressure on the central government, but also in supporting the new Government of Southern Sudan. We need to consult with Congress about how existing legal authorities may need to be modified so we can reinforce the SPLM, while maintaining and increasing pressure on the North.

I hope that I can work with you, Mr. Chairman, and the Committee so we can move effectively to address the challenges and opportunities of the peace agreement.

Mr. Chairman, I believe the United States is on the right track. Our strategy is moving forward. With the strong support of the President and the Secretary and the Congress, we believe we have the tools in place to maintain momentum, to influence the parties and to achieve our common goal of a peaceful Sudan.

Thank you very much.

[The prepared statement of Ms. Frazer follows:]

PREPARED STATEMENT OF THE HONORABLE JENDAYI FRAZER, ASSISTANT SECRETARY OF STATE FOR BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. Chairman, members of the Committee thank you for giving me the opportunity to testify on our Sudan policy. Today I will review with you the U.S. strategy to maintain momentum on implementation of the Comprehensive Peace Agreement (CPA) and resolve the crisis in Darfur. Our primary goal is a peaceful, democratic Sudan that contributes to regional development and cooperates on counter-terrorism. Sudan is a challenging and complicated country and over the past 5 years we have made steady progress toward that goal. You ask: Are we losing ground on peace in Sudan? The answer is as complex as the country itself. On the North-South peace front we have clearly gained ground. On Darfur its back and forth, but we have a plan for progress. We also have to be watchful and take preventative measures to not lose ground in the East.

First, Mr. Chairman, let me outline where we are today. The National Congress Party-controlled (NCP) Government of Sudan and the Sudan People's Liberation Movement (SPLM), bitter enemies that had warred for over 22 years, signed an historic Comprehensive Peace Agreement on January 9, 2005 in Nairobi, Kenya. The United States led international efforts to achieve that success, and is committed to its full implementation. We witnessed on July 9, 2005, the installation of the Chair-

man of the SPLM, the late Dr. John Garang, as First Vice President of Sudan in Khartoum. Since then, members of the SPLM, the NCP, and other parties have formed a Government of National Unity in Khartoum and the SPLM and other parties a Government of Southern Sudan in Juba. These historic changes are major steps forward, but there is more for the parties to do. Many of the national commissions called for in the CPA still must be stood-up, troop withdrawals are behind schedule, and demobilization, disarmament and reintegration needs to move forward, to cite three areas of particular importance.

The Comprehensive Peace Agreement passed its first major test, the tragic death of its key architect, First Vice President John Garang. Garang was committed to the cause of a peaceful, prosperous, and united Sudan. While his death is a great loss, there is every reason to hope that his vision of a peaceful, democratic, and unified Sudan will be fulfilled. Demonstrating the resilience of the CPA, Garang's successor, Salva Kiir, was inaugurated as First Vice President in an orderly process, and he has stated his unwavering commitment to realizing Garang's vision. In addition, Garang's widow, Rebecca, is carrying forward her husband's vision and is now serving as the Minister of Transport and Roads in the Government of Southern Sudan (GOSS).

Mr. Chairman, let me emphasize a fundamental premise of our strategy: implementation of the Comprehensive Peace Agreement and resolution of the Darfur crisis are interrelated issues. Implementation of the CPA is crucial to ending the violence in Darfur. Moreover, without progress in Darfur, there is a real danger for the violence to spill over into other areas of Sudan. Bottom line, the CPA is applicable in many respects to all areas of Sudan, and is designed to share power and wealth between the center and the periphery areas, a key root of conflict in all parts of Sudan. It serves as a framework for other political agreements, including in Darfur.

Mr. Chairman, Darfur is a complex and difficult situation. We, the Administration and Congress, have characterized it as involving genocide. We approach Darfur with the utmost resolve. The people of the United States know that this Administration, under the direction of President Bush, Secretary Powell and now Secretary Rice, has been the global leader in efforts to end the violence and suffering in Darfur. President Bush was the first head of state to speak out publicly on the unfolding violence and atrocities in Darfur in 2004. The United States was the first country to call for action in the United Nations Security Council. We were instrumental in obtaining a ceasefire agreement between the Government of Sudan and the Darfur rebels, the Sudan Liberation Movement/Army (SLM/A) and Justice and Equality Movement (JEM), in April 2004. The United States was also the first to emphasize the need for intervention to stem the violence. As a result of our actions, the African Union agreed to deploy observers and troops to Darfur in August 2004. Since that time, the United States has worked closely with the African Union to build 32 base camps, and with other donors, provided airlift for over 6,900 African Union personnel now deployed to Darfur. This was possible with the over $160 million in resources provided by Congress.

The effort the United States mounted with the international community has yielded significant results in Darfur. As a result of the African Union's intervention and pressure exerted on the Government of Sudan and Darfur rebels, AU-led political talks are moving ahead in Abuja, large-scale organized violence has substantially diminished since early 2005, and mortality rates have dropped.

That said, the situation in Darfur remains intolerable. Over 2.4 million people are living in camps for internally displaced persons, and another 200,000 have sought refuge in neighboring Chad. Violence continues to plague civilian populations, as we see in the current spike of violence, caused by banditry, actions initiated by rebel movements, and actions by government forces, and continued marauding by the Janjaweed. We continue to make categorically clear the responsibility of the Government of Sudan—now the Government of National Unity—to both end support to the Janjaweed and work actively to stop its actions while ensuring discipline within the Government of National Unity's own forces.

Mr. Chairman, we must react to this spike in violence by pushing harder for full implementation of the CPA and insisting that all sides respect the ceasefire. Deputy Secretary Zoellick is leading a mission to Kenya and Sudan next week to advance the Administration's efforts to restore peace to Darfur and set the groundwork to achieve a lasting political settlement in Abuja. Because President Bush and Secretary Rice consider Sudan a high priority, the Deputy Secretary has visited Sudan three times since April. He has traveled to Khartoum, Darfur, and the South. Secretary Rice visited in July. I just returned from my first visit to Khartoum and Juba as Assistant Secretary.

Mr. Chairman, to implement our Sudan strategy, we are focusing on the following steps:

- Pushing the new Government of National Unity to ensure implementation of the CPA, including preparing the parties to stand up national commissions, form other key mechanisms, and honor their security commitments to form the Joint Defense Board, setup Joint Integrated Units, and withdraw Northern troops from the South.
- Actions to stop the violence and reach a political settlement in Darfur, including strengthening AMIS and pushing for the provision of 105 Canadian Armored Personnel Carriers, increased NATO training and advice, consistent understanding of the AMIS mandate, and UN logistical assistance and/or a blue-hat, and sponsoring a Nairobi conference for SLM unity.
- Strong support for the Government of Southern Sudan by helping to build the institutions, capacity, transparency, and infrastructure necessary for it to function. Including, moving forward with a limited program within existing authorities to help transform the Sudan People's Liberation Army (SPLA) into a professional armed force, focused initially on refurbishing command and training facilities. First Vice President Salva Kiir is also visiting Washington today for meetings with senior officials and consultations on Capitol Hill.
- Provision of humanitarian assistance in Darfur and Southern Sudan. In FY 2005, we provided over $650 million mostly in humanitarian assistance and support to the African Union Mission, and over $450 million in reconstruction and humanitarian assistance to other areas in Sudan, including Southern Sudan and the three transition areas (Nuba Mountains, Southern Blue Nile, and Abyei). Support for the return of those displaced from Southern Sudan.

Mr. Chairman, institutions in Sudan have changed substantially over the past ten months, since the signing of the Comprehensive Peace Agreement (CPA) led to a new interim national constitution, the formation of a new Government of National Unity in Khartoum, and a new entity in the South, the Government of Southern Sudan (GOSS). We have a strong interest in supporting the CPA, especially by working with the SPLM to develop new governmental institutions in the South and working with the Sudanese and international partners to support the commissions and other integrated programs designed to facilitate the peaceful transition to a unified government. For example, we want to consult with Congress about First VP Kiir's request that we allow U.S. companies to provide spare parts to rehabilitate Sudan's railways, to help facilitate the movement of humanitarian assistance and reconstruction supplies into Southern Sudan.

Congress and the Administration share an interest in keeping the pressure on the central government, but also in supporting the new Government of Southern Sudan. We need to consult with Congress about how existing legal authorities may need to be modified so we can reinforce the SPLM while maintaining or increasing pressure on the north. I hope that I can work with you, Mr. Chairman, and the Committee so we can more effectively address the challenges and opportunities of the peace agreement.

Mr. Chairman, let me shift to Darfur. Our support for the African Union is unequivocal.

- We are one of the largest donors for the African Union Mission in Sudan, having provided over $160 million thus far to build the African Union's base camps, maintain equipment, contribute to the airlift of troops, and provide military observers.
- We convened a donor meeting in Washington, DC October 18 to discuss ways to further help the African Union.
- We continue to press the Sudanese government to provide flight clearance for all 105 of Canada's Armored Personnel Carriers for the African Union troops.
- We early on pressed for NATO support to the African Union. NATO continues to play a key role in coordinating airlift of troops and providing capacity-building training. We believe NATO can do more to strengthen AU capabilities.
- Following the visit of Secretary Rice to Sudan in July, we launched an initiative to combat violence against women in Darfur; as sexual violence continues to be an acute problem. We believe the Sudanese government must do much more to fulfill its commitments and we are determined to press them to take specific actions to protect women, and will support the expansion and establishment of women's crisis centers in IDP camps in Darfur.

Mr. Chairman, the African Union's expansion has clearly had a deterrent value. The African Union has performed admirably in a terribly difficult situation. Large-scale organized violence has diminished and security has improved in areas where they are deployed. Local AU sector commanders have negotiated agreements between tribes to prevent violent flare-ups and are facilitating the delivery of humanitarian assistance. At the same time, as the AU has expanded, logistics and above battalion-level operational problems have become more apparent and funding gaps more acute. We are working to identify additional funding for the African Union mission to address these shortcomings. We will also accompany the joint AU/UN/NATO/donors assessment mission scheduled for November, which will examine ways donors can further assist the African Union. The provision of Canada's Armored Personnel Carriers and other efforts will enable the African Union to vigorously carry out its broad mandate, which includes protection of civilians in imminent danger.

Mr. Chairman, we are also looking toward the future of peacekeeping in Darfur. We are beginning to discuss with the African Union how the UN can play a larger role. While we do this, we must be mindful that the United Nations is not the silver-bullet answer to peace in Darfur. Thus far, the UN has been slow to deploy to southern Sudan. The African Union has been the right force with the right mandate and has been successful in stabilizing the security situation in Darfur. The AU mission deserves our continued support even as we explore with our partners a possible future role for the UN.

Mr. Chairman, the heart of the conflict in Darfur is political, and the addition of more troops will not change that fact. As such, the United States strongly backs the African Union-led peace talks in Abuja, Nigeria. We have sent a senior U.S. official as an observer and have provided technical experts to assist the mediation. We also support its chief mediator Ambassador Salim Salim.

The talks have had modest success; the parties signed a Declaration of Principles on July 5, 2005. The most recent round that ended on October 20, however, yielded disappointing results. Divisions within the Sudan Liberation Movement are largely responsible. We have made clear to the SLM leaders that they must resolve their differences so that rapid progress can be made. As part of his upcoming trip to the region, the Deputy Secretary will meet with the SLM leadership to insist that they develop a unified approach, to make clear that we are prepared to intensify our contacts with them if they respect the ceasefire and focus on negotiations, but to also make clear that they will become irrelevant to the process and to the future of Sudan if they do not.

Accountability is another part of our strategy. All parties in Darfur must be held fully accountable for their actions. In the UNSC, we pressed for the adoption of resolution 1591, which provides for targeted sanctions (including a travel ban and asset freeze) on individuals who meet certain criteria, such as committing atrocities. We did not stand in the way of the adoption of resolution 1593, which referred the situation in Darfur to the International Criminal Court. As Deputy Secretary Zoellick has stated, "if people ask for our help, we will try to make sure that this gets pursued fully. We do not want to see impunity for any of these actors."

Mr. Chairman, in order to maximize our leverage and to ensure cost-sharing to support efforts on Darfur, we are coordinating closely with the European Union and member states. We are also working intensively with key regional actors, including Egypt, Libya, Eritrea, Kenya and Chad, among others to end the crisis in Darfur and prevent an outbreak of violence in the East. As always, our humanitarian assistance is part of an overall international effort.

Mr. Chairman, as the Deputy Secretary has said, there are two paths for Sudan: an "upward spiral" or a "downward spiral." The "upward spiral" is full CPA implementation, a new and transformed Sudanese government, an effective African Union role in Darfur and Abuja, and reconciliation in Darfur (and other areas) within this political framework. The "downward spiral" is ongoing violence in Darfur that spills into other areas and undermines the government and CPA implementation. We have made clear to the parties that steps in our bilateral relationship will only be taken in the U.S. interest, and only in response to actions on the CPA and Darfur consistent with the "upward spiral."

Mr. Chairman, the United States is on the right track and our strategy is moving forward with the strong support of President Bush and Secretary Rice. We believe we have the tools in place to maintain momentum and influence the parties. We thank the Congress for its strong interest in supporting our common goal of a peaceful Sudan.

Mr. SMITH. Secretary Frazer, thank you very much for your testimony and for your leadership. I would like to begin the questioning, if I could.

First, one of the many things that Greg Simpkins and I took away after meeting with President Bashir, Taha, the Vice President, and Salva Kiir, the First Vice President, was a comment made by Salva Kiir, who had only been on the job for 7 days when we met with him, but who was very committed to making the government work.

He said, "I am part of this government and we want to make this government work, for all the right reasons," as he put it.

My first question is about whether or not you feel that this unity government has really been integrated. I have read some disconcerting reports that when it came to allocating the top ministries, that the SPLM did not do very well. These reports said that except for foreign affairs, perhaps, most of the key bureaucracies were safely vested in the other side. Secondly, if you could speak to First Vice President Kiir's request that we allow United States companies to provide spare parts to rehabilitate Sudan's railways, and consultation with Congress on this issue.

I struck up that conversation, as well, when I was in Khartoum: How do you move masses of people from Khartoum back to the South? Yes, the railroad has a dual-use capability, but if the peace becomes more durable, will this become a way of providing the means for those people to get back to their homes?

Let me also ask you, if I could, about trafficking. As you know, I was the prime sponsor of the Victims of Trafficking and Violence Protection Act of 2000, which led to the creation of the tiers: Tier 1, tier 2, tier 3, and the watch list. The watch list, as you know, we put in the 2003 act.

I was very concerned when I saw that Sudan was upgraded, if you will, to the watch list from tier 3. If you could, elaborate on what concrete facts exist that would suggest that the Government of Khartoum or the Government of Sudan merits that kind of treatment. It seems to me that the situation in Sudan is still a major problem, warranting tier 3 status.

On the Government of Southern Sudan, how well or poorly are Salva Kiir and others doing in the South in establishing that government?

Then I would like to ask for your comments on the issue of humanitarianism and the lack of responsiveness by Khartoum. Greg and I saw this firsthand and we heard reports before and after our trip that the government has not been helpful in ensuring that the NGO community, the United Nations, and USAID personnel flow in an unfettered way. They have been profoundly unhelpful in many instances, which means that people are put at grave risk.

Finally, I have a question on accountability. Mr. Payne and I are trying, along with others, to get Henry Hyde's bill on this issue, which is now a bipartisan piece of legislation, moved forward. One of the key terms in that legislation is accountability: Holding those men and women who have committed atrocities accountable.

We know that UN Resolution 1593, which was adopted on March 29, provides for referral to the ICC for those who have committed atrocities.

The International Commission of Inquiry recommended that the ICC prosecute. Where is that? Is there a list on a printed page somewhere of people who need to be prosecuted at the ICC? When will that be made public, if you will, and what is the status of that whole effort?

Madam Secretary.

Ambassador FRAZER. Thank you. Thank you very much, Mr. Chairman. Your first question was on the National Congress Party and its domination of the Government of National Unity, particularly of the key ministries. I think that was the perception, particularly given that the National Congress Party received the finance ministry and the energy ministry as well.

In our consultations with the SPLM, part of what we learned is that some of their capable senior officials wanted to be ministers in the Government of Southern Sudan and so didn't put themselves forward to be part of the Government of National Unity, because the feeling is that there needs to be a very strong Government of Southern Sudan.

So certainly we continue to have concerns and we will watch carefully whether the Government of National Unity is dominated by the National Congress Party and what type of influence the SPLM ministers have in that government.

I had the opportunity to visit Sudan earlier in October and I actually posed this question to a couple of the SPLM ministers to say, do you have authority within your ministry?

What is the nature of all of these mini-advisors? Is there a shadow government? I was assured that they do have the authority, but I do think that clearly SPLM is the new member of this government and the United States must continue in our effort to back and to transform the nature of this regime, which is characterized by many of the Members of this Committee appropriately. We must work very closely with the SPLM and build their capacity. Continue to assist them so that they can be an effective force within the Government of National Unity, an effective transformative force.

Certainly I think that the Vice President's visit to the United States, being the first country that he came to on an international visit, suggests his understanding and continued appreciation of the strong support of the United States for his role as the second senior official in that Government of National Unity.

We need to continue to support the Government of Southern Sudan to build their capacity, especially to help them with their development.

I went to Juba. I met with the First Vice President, Salva Kiir. I met with senior SPLM officials. I had an opportunity to meet with Rebecca Garang, who is now the Government of Southern Sudan's Minister of Transport.

This issue of spare parts did come up and they were saying that because the Government of Sudan sent soldiers through the railways, they had destroyed the rail capacity. Now they need development to come through those same railways and they did raise the question of the possibility of allowing for spare parts.

Mr. SMITH. Are they in favor of that?

Ambassador FRAZER. When I was in——

Mr. SMITH. Of lifting the sanctions regarding spare parts?

Ambassador FRAZER. When I was in Juba, they spoke favorably of it, but what I would suggest, Mr. Chairman, is that the First Vice President is here himself and will have an opportunity to meet with Members and that question can be posed directly to him.

But a couple of weeks ago, in my consultations with him in Juba, they all spoke favorably for it.

But we need to look across the board at how we can help the Government of Southern Sudan. It will also involve supporting the reform of the security sector, professionalizing the SPLM and because Sudan is, we have sanctions on them, many numerous sanctions on them, we may need carve-outs to be able to do so.

But I think that Ambassador Zoellick, when he goes to Sudan, will have a better opportunity to make an assessment of that and then come back to Congress with some specific ways in which we may need to look at authorities to provide the avenue for assisting the Government of Southern Sudan, while maintaining the pressure on the National Congress Party within the Government of National Unity.

You asked the question, Mr. Chairman, about the trafficking, and indeed the recommendation has gone forth that Sudan be put on the tier 2 watch list, and the reason behind that was specifically related to the sexual violence against women.

Secretary Rice, when she went to Darfur, she met with women who had been abused and violated and she asked the Administration to come up with an initiative to counter violence against women and we sent that to the Government of Sudan.

They developed an action plan, which was a tailored work plan, to address those issues. In particular, Sudan committed to implement a plan to address sexual violence against women in Darfur itself.

It also helped to assist with the repatriation of 100 Sudanese children, camel jockeys from Qatar, and began an investigation in trafficking of these children. And it was on the basis of those actions that they were put on the watch list with the understanding that they could always go back to tier 3 if we weren't satisfied with the actions being taken to implement the plan.

So that was the basis of the tier 2 watch list, but again, it is not a permanent status. It can easily revert to tier 3.

Mr. SMITH. Excuse me, but if you could provide, for the record, a copy of that action plan. I think it would be very helpful.

Ambassador FRAZER. Certainly.

[The information referred to follows:]

Ministry of Justice

The Advisory Council for Human Rights

Plan of Action for eliminating violence against women in Darfur

No.	Activity	Institution	Facilities	Budget
1.	Raising awareness among regular forces, religious personalities and media, that violence against women is a crime punishable by law, and reinforcing the right of the victims to the medical and psychological care and the legal remedy.	• Ministry of Information (in coordination with the Localities in Darfur). • Ministry of Health (for providing medical aid (the prime beneficiaries will be: the midwives and the medical assistants)).	The Advisory Council for Human Rights (ACHR) to organize workshops in Khartoum, Nyala, Elfashir and Elginena for the national and foreign NGOs to draw their attention on the phenomenon (needs: stationeries and hosting).	- Cost of the workshop 500,000 SD. - Traveling tickets for the Experts 400,000 SD. - Accommodation: 200,000 SD. - Media Campaign **Total cost 1,100,000 SD for the workshop.**
	This activity will be carried out jointly by the GoS, the UN agencies and the NGOs.	Ministry of Justice. • Ministry of Interior.		

2.	Ensure compliance with the Minister of Justice's circular regarding providing treatment to rape victims without fulfilling requirements of Form 8 and filing of a criminal report and disseminating widely the amendment particularly to the remote areas and distributing it to the Localities in order to ensure its applicability. This is to be done through analyzing, follow-up and taking action against those who did not comply with it.	- Ministry of Interior. - Ministry of Justice. - Federal Ministry of Health and States' Ministries of health. - Ministry of Federal Government.	Agreeing with the Sub-JIM on the interpretation of the amendment to circular of the Minister of Justice regarding Criminal Form 8. Organizing three joint visits to shade light on the interpretation.	
3.	The Government of National Unity will declare measures to uproot violence against women in Darfur by setting specific programs and organizing visits for the women leaders and families of political leaders to reflect the concern of the Government on this matter and to investigate non-compliance.	- The Advisory Council for Human Rights (ACHR). - Women Union (to coordinate the visits and set programs thereof). - Ministry of Social Welfare		

Measures for combating violence phenomenon (preventive measures)

No.	Measure to be implemented	Institution	Facilities	Budget
4.	Increasing awareness for the need of eliminating violence against women and making of 500 posters and booklets at the IDPs camps and other areas including the different health centers and locating where the perpetrators of such acts exists to advocate elimination of violence against women and to sustain with religious and moral values and encourages recourse to law.	• Information ministries in Darfur states. • Humanitarian Affairs Commission in Darfur. • NGOs.		
5.	Conducting three training courses (training of trainers) to police on how to promote and protect human rights and security particularly with regard to women sector	• Ministry of Interior. • Ministry of Justice.	National experts, texts of human rights instruments, penal sections, criminal	- One training course 500,000 SD. - Traveling tickets

	and to enhance the role of the Police in the law enforcement . To include human rights and specially violence against women as well as community policing in the curricular of different police and Army colleges to ensure a continuing method of education.		procedures, stationeries and hosting.	for the experts 400,000 SD. - Accommodation: 200,000 SD **Total cost 1,100,000 SD**
6.	Establishing liaison points for Police officers at least 6 community centers to assist in the law enforcement and to dwell on security needs.	• Ministry of Interior. • Ministry of Humanitarian Affairs.		
7.	Facilitating tasks of civilian teams accompanying the AU mission. These teams will accompany the citizens in their movements.	• Ministry of Interior (to issue required orders for Police members). • Ministry of Social Affairs (to assist the implementing of the procedure).		

8.	Members of Police forces shall bear labels showing clearly their numbers in order to facilitate their recognition and for purposes of accountability.	• Ministry of Interior.		

Measures for combating violence phenomenon (preventive measures)

No.	Measure to be implemented	Institution	Facilities	Budget
1.	Increasing number of female members in the Police forces to be at least 30% as a minimum. Encouraging women to be recruited in the police Forces especially women from Darfur.	• Ministry of Interior		
2.	Training members of the Police on the general principles of human rights in situations of violence and including such principles in the curriculum of the Police.	• Ministry of Interior. • Local Police.		
3.	Training of "Family Protection" in the Police on advanced levels of human rights protection standards to ensure effective protection for the victims of violence.	• Ministry of Interior. • Ministry of Social Welfare.		

4	Establishing of a high – level centre within the Police structure to supervise, analyze and follow-up the works of the "Family Protection Units". This centre will draft annual report explaining cases of violence against women and the preventive measures taken by the Police to stop it and provide statistics on the judgments issued by courts in this regard.	• Ministry of Interior. • Ministry of Justice.	Qualified staff in preparing criminal reports.	- A workshop on training of trainers: 500,000 SD. - Traveling tickets for the experts: 400,000 SD. - Hosting of the experts: 200,000 SD. **Total cost 1,100,000 SD**
5.	Establishing joint units of the police and the civilians, to work at the grass roots level and to help building confidence between the police and the population encourage reporting any gender – based violations.	• Ministry of Interior.		
6.	Organizing visits for the Government female officials to the local Government officials in Darfur.	• Ministry of Social Welfare. • Ministry Interior.		

7.	Providing protection and confidentiality to the victims of violence and to the witnesses and ensure their protection against incrimination and prosecution of defamation.	• Ministry of Interior. • Ministry of Justice (to issue the required circulars e.g. in cases including minors or sexual offence sessions to be in Camera).		
8.	Publicity of courts sittings: in order to make it possible for HRs monitors and lawyers to follow up the trials.	• The judiciary.		
9.	Establishing a joint committee of the National Unity Government and the UN agencies to revise criminal and procedure Acts in order to make them in compliance with the international standards.	• Ministry of Justice. • UN Agencies. • Ministry of Social Welfare. • Women unions. • Civil Society.	- Revising criminal and procedure Acts. - Training legal Counsels on legislative	**Total cost 1,000,000 SD**

			drafting. - Comparing domestic legislation with respective international treaties. - Seminars and studies.	
10.	Supporting the legal aid system to assist rape victims wishing to pursue criminal proceedings.	• Ministry of Justice.	Designating qualified legal staff for the legal aid. Conducting a workshop in Khartoum and others in Darfur states to train lawyers and legal counsels on legal aid.	- Cost of one workshop: 500,000 SD. - Traveling tickets: 400,000 DS. - Accommodation: 200,000 SD **Total cost: 1,100,000 SD for the workshop.**

Mr. SMITH. The idea behind the act was to try to bring about constructive action and, as you pointed out so well, if this is nothing but a paper promise, they should immediately revert back to tier 3. So I thank you for that explanation.

Ambassador FRAZER. Absolutely. You asked about the humanitarian access. We still have concerns that the Government of Sudan, namely the National Congress Party, is not allowing humanitarian access.

Ambassador Zoellick raised this specifically in his conversation with Vice President Taha this afternoon and got some assurances, but you know assurances, words are one thing, action is another. So we will continue to press the government to allow for that humanitarian access.

On the accountability, as far as I know, Mr. Chairman, the ICC list has not become public, but Ambassador Zoellick again has signaled that if the ICC requires assistance, the United States stands ready to assist. But they haven't asked us for any assistance in developing their list or getting the government to adhere to any ICC charges.

Mr. SMITH. Just two final questions before yielding to Mr. Payne. The Sudan Tribune had an article online over the weekend that said, "Darfur rebel SLA opens unity conference without leader." Can you speak to what that means in terms of not having a segment of the group there, including its leader?

Secondly, you heard in my opening comments concerns about the pay for African Union troops. Has that been rectified? I also note that the Administration has identified approximately $100 million that the United States is expected to contribute to the African Union. Will that be forthcoming and when?

Ambassador FRAZER. I missed the very first part of your question on the African Union.

Mr. SMITH. I asked about African Union troops. What we heard from commanders on the ground, and also in Addis Ababa when we went to AU headquarters, was that they had been promised about $15 a day. They were getting $1.28 a day, and while the morale implications had not really shown themselves yet, they will soon, especially if there are remittances to their families back home.

It is a tough posting to begin with, and to be underpaid as they told us at headquarters and in the field in Darfur, they are cash poor. They have airlift. They have other kinds of help, but they are not getting the cash.

Ambassador FRAZER. Okay. Thank you. Yes. On Darfur, the SLM, Meni Menawi is there, but Abdul Wahid is not at the SLM conference.

We raised this question. I raised this question with the First Vice President, Salva Kiir. He said that there may be some concerns in terms of security of Abdul Wahid and that that is the reason that the Nairobi conference will be so important, because it will be on neutral ground and we expect both leaders to show up at the Nairobi conference that the United States will be hosting.

It is critical that the SLM come together. They are providing an excuse for the National Congress Party to not progress on the peace front.

So without rebel unity, the negotiations won't go anywhere. So we are taking an active role to try to bring them together.

On the African Union, there is a financial shortfall, which is partly the reason why we are looking at, over time, the possibility of Blue Hatting them as a UN force. But certainly the United States is looking to meet its shortfall, which is about $100 million. The EU is also coming up with the money.

As far as the pay differential, it is my understanding that the AU has rectified it.

Mr. PAYNE. Thank you very much. Thank you for your testimony and I would just like to ask a few questions.

With USAID, how is it going to organize itself? We are hoping that there would have been some peace dividends after the signing of the accord. And will there be a permanent mission in Southern Sudan, or will you work out of Khartoum, or would there be a special coordinator to deal with the eight projects, which would be very important to the South, since they are certainly in need of development?

Secondly, with a brand new government being set up, I wonder if the SPLM will be given specific support in setting up regional governments in Nuba and Southern Blue Nile and other places.

Since they have to start from scratch, it seems that they would need financial and technical support and I wonder whether the United States Government, through USAID or other agencies, have any formal plan to work with the Government of South Sudan.

Also I noted that, and I am not sure of the funds that the Chairman was talking about, but there was $100 million requested from the emergency supplement and it was reduced in Congress by almost two-thirds. Only $37 million was appropriated.

I wonder if the Administration is going to come forward with a new request and whether there will be a need for us to try to develop a strategy to get those funds in play.

You mentioned about the commissions that were called for in the CPA, which you mentioned in your testimony in response to the First Vice President's visit here.

I wonder whether pronouncements that are being made by the Government of Sudan, are they real or is it just because Salva Kiir is coming here and to try to have a smooth series of meetings here that the Government of Sudan is acting as if it is trying to play ball?

I mean it is very difficult to tell the real intent, but I wonder whether the feeling of the Administration is that these are things that are just being done because of the visit here by Salva Kiir.

Ambassador FRAZER. Thank you. On your first question, Congressman Payne, in terms of USAID and how it is going to organize itself, there is a building being constructed in Juba and the plan is to move the operations that are in Nairobi to Juba so that we can more effectively support the Government of Southern Sudan.

That support includes training, helping to build the capacity of the SPLM officials, both in the assembly as well as in the executive, the ministers themselves.

Also, we are trying to provide assistance with the budgetary monitoring and transparency so that the oil revenue that they will

get, as well as the donor assistance, can be accounted for and used for the people.

We are also trying to work with NDI and IRI and other institutions, to try to help the SPLM become a political party, able to contest elections over the future and support the Parliamentarians, the assembly members with training.

So, yes, we are doing a whole range of activities to try to support the Government of Southern Sudan. We think it is critical. That is why the Administration is focused on Sudan in the first place.

Our interest stemmed from the grievances in the South, the atrocities that were taking place in the South. So, it behooves us to really put a focus on assisting them in establishing a peaceful and prosperous Sudan and particularly Southern Sudan.

On the question of the funds, yes, I do look forward to working with you to try to develop a strategy to get the type of funding and assistance that will be necessary to fully support the peace process in Sudan, and I will come back to discuss that directly with you on how we might address any shortfalls in funding that we are facing.

Your question about the commissions is apt. Timing is everything and I am certain that the First Vice President's visit here helped to get the announcement.

That said, when I visited Juba, the First Vice President told me at that time that he had submitted the names of the SPLM ministers who would be part of these new commissions. It was clear that many of the commissions required Government of Southern Sudan ministers. Until the Government of Southern Sudan was established, the commissions could not go forward.

So I believe that it has been in the works, without a doubt, and as I said, the First Vice President told us this morning that when he left Sudan he expected the decree to have been already announced, because he left it on Bashir's desk to be done with everyone having agreed on the composition of the commission.

I don't doubt that the timing was intended for effect, but it does represent, I think, considerable work, particularly considerable work on the part of the Government of Southern Sudan and on Vice President Kiir's part.

Mr. PAYNE. Thank you very much. This is my final two questions. The State Department, as you know, in the last Administration, did a very intensive interviewing of I think over 1,200 individuals that built up a case to declare genocide in Darfur. It would appear to me that this information would certainly be helpful for the ICC. I know that there is the problem of formal relations, although the U.S. did abstain and therefore allowed the International Criminal Court to proceed, and for that we are very thankful.

However, we do feel that since we did indicate, by our abstention, that we felt that there should be prosecutions going on in Sudan by the ICC, it would appear that we would try to cooperate with the court and to allow the court, if they asked, to review any materials that was taken that Secretary Powell built a case of genocide upon.

So I would hope that some way there can be cooperation between ICC and our State Department.

Just finally, if you might indicate to us, recently a senior diplomat was sent to Khartoum and I just wonder, is the State Department intending to name him as an Ambassador?

Of course, as an Ambassador, are we getting ready to normalize relations with Sudan?

Ambassador FRAZER. Thank you. Yes, Ambassador Zoellick, Deputy Secretary Zoellick has made very clear that if we were asked by the ICC for our help, we would try to make sure that this gets pursued fully, to use his words, because we don't want to see impunity for any of these actors. So they haven't asked, but if they did, we stand ready to assist.

On the question of the senior diplomat, no, it is not a matter of normalizing relations. What we did was send Ambassador Hume there. He was our former Ambassador to South Africa, as well as the former Ambassador to Algiers. He speaks Arabic. He has extensive expertise in conflict management. He worked in Mozambique. He has been working at the UN.

What we wanted was a senior diplomat who could pursue U.S. interests. And our interests are clear. Our interests are we need someone that can put pressure on the National Congress Party to end its support for the Janjaweed, to stop the violence in Darfur.

We need a senior person, who understands how the former Liberation Movement, the SPLM, can be transformed into a Government of Southern Sudan and he has the expertise across the board.

So our sending him there was in the United States' interest. It was in no way a signal of a normalization of relations and I think that we are not trying to normalize relations with the Government of Sudan or the Government of National Unity.

What we are trying to do is implement the Comprehensive Peace Agreement so that we transform the very nature of that regime and we need someone senior, with that mandate, who is able to engage all parties to push for it on the areas that I outlined: Support for the Government of Sudan, implementation of the Comprehensive Peace Agreement and ending the violence in Darfur, and creating a broader prosperous and unified Sudan.

Mr. PAYNE. Last question or two. We mentioned that there has been 105 armed personnel carriers delivered to the AU mission to go into Sudan, but from what I understand, they were supposed to be delivered but the Government of Sudan has blocked them from being delivered and have refused to cooperate.

I wonder if you could comment on that? And just finally, I don't know whether Mr. Roger Winter speaks Arabic, but I was under the impression that he was some type of an envoy. I don't think anyone knows Sudan any better than Roger Winter. I think that all Members of the Committee have a great deal of respect for his long-time interest, and more than interest, but he has dedicated his whole life working in Sudan, even before becoming part of the government, and I just wonder what role will he play, if in fact we have a more senior diplomat in Khartoum?

Ambassador FRAZER. Thank you. Yes. The armored personnel carriers have been held up by President Bashir. I think we can say that it is President Bashir himself that is holding up those armored personnel carriers.

What they have agreed to do is to let 35 come in. We are continuing to push for all of the armored personnel carriers to be allowed in to support the AU mission in Darfur. We are continuing to pressure. Certainly this is something that Deputy Secretary Zoellick will raise in his mission to Sudan next week. It is something that I raised when I met with President Bashir, when I met with Vice President Taha and other officials. We are continuing to push on that front.

The question of Roger Winter, who is our special representative to the Deputy Secretary, and how he will interface with Ambassador Hume, who is our Chargé now, the idea here is that the Chargé is there permanently in terms of he doesn't go in and out.

He is a daily presence there and we can call him and say, "You need to put pressure on these guys right now at this moment in time." And so he is sort of managing our operation and has a daily presence there.

Roger Winter, as you said, has a long-time engagement in Sudan. He has excellent contacts there. He has a good sense of what is actually taking place. He will continue to be a senior advisor, especially to the Deputy Secretary. He will continue to have an influence and a role as an envoy going back and forth in and out. He will continue to meet with SPLM and government officials as necessary. He and I will work closely together in a formulation of our Sudan policy. He will continue to meet with constituency groups there and here.

So his role is one of more roving, whereas the Chargé is a permanent presence to try to keep the pressure on.

Mr. PAYNE. I have no more questions. I just want to say that the Government of Sudan, once again, 105 armored personnel carriers are supposed to go in, but they hold them up. "We may let a third in. We will get back to you next week."

You know it is the same thing they have been doing decade after decade after decade. Now I know we need to try to work along with them, but you see it is the same bloody hands that let Osama bin Laden live in that country from 1991 to 1996, that planned the bombing of the Nairobi and the Dar es Salaam, U.S. Embassies, people I knew had been there a week before and knew families that worked in that Embassy who are dead now.

Same government and once again, we are going to start fiddling while Rome burns and dealing with this government. We ought to have a policy that tell them they either have to make the policy work or we ought to come down with some serious policy against them.

This business about, we let a few in and we may let them out, and some of our humanitarian groups now have not been issued any more permits to come in, the Doctors Without Borders were given a hard time because they were outspoken.

It just continues as people die everyday in this new millennium. It makes no sense at all.

Mr. SMITH. Will my friend yield?

Mr. PAYNE. Yes.

Mr. SMITH. If I could ask you, Madam Secretary, in addition to the armored personnel carriers not being allowed in, what other material has been stopped by President Bashir?

I had asked earlier about the humanitarian crisis, because we have heard much about it. It is ongoing. There was reluctance to allow the Norwegians, for example, into Kalma camp to pick up the director, who was absolutely committed, who suffered malaria himself doing this humanitarian work, and who didn't know from one day to the next whether or not his mission was going to be decertified by the Bashir Government.

What other problems do you see? You have a platform on this side of the Government of Sudan. What other things would you say have to be done?

I think my friend Mr. Payne is absolutely right. The government will allow a third of these workers in, but not the other two-thirds, constantly crippling the efforts of the international community to help the people on the ground.

Ambassador FRAZER. Yes. Thank you very much. The Kalma camp issue also came up in Ambassador Zoellick's phone call with Vice President Taha and he emphasized again that that has to be resolved. He got assurances. We will see. We know the character of the regime.

I would also say that redeployment of the government troops from Juba is necessary. It is an immediate necessary action that they must take.

It is absolutely unacceptable for them to continue to have their presence there. They are behind the schedule in redeployment. It represents psychological warfare for them to continue to be there.

So I would push very strongly on the government and I know that Ambassador Zoellick is going to do so. That those government forces redeploy and get out of the South, because they are already behind schedule. So that certainly is an area.

A second area that is important now, is that they established this Boundary Commission. That is one of the announcements that is made, but it is critical that that Boundary Commission's work be transparent and that we have oversight, because it establishes the line for where the North and the South is and, as the First Vice President has stated and others have stated, that line is creeping southward so that they are capturing more area of the South, claiming it to be North, particularly where there are oil fields and that will have a major impact on revenue sharing.

So that is another area that we have to get immediate action and have some very clear, very clear oversight. So those are two areas and certainly to allow—there is at least 11,000 international NGO workers in Sudan. They have to have free access. They have to be allowed to do their work.

So that would be three areas that I am sure that Ambassador Zoellick is going to continue to push on and I certainly will as well.

Mr. SMITH. Thank you.

Chairman Royce.

Mr. ROYCE. Thank you, Mr. Chairman. We have several hundred thousand people wandering around the desert of Sudan without any help. They have been run off of their land by the Janjaweed and part of the strategy on the part of the government has been to prevent any assistance from being delivered to those individuals.

It is a daunting task for the African Union, because this region, Darfur, is the size of France, and when Diane Watson and I were

there earlier this year, in Darfur, Sudan, we had an opportunity to be briefed by one of the African Union military units that are there in order to record the attacks, and we got firsthand accounts of these mysteriously coincidental attacks by the government and the Janjaweed, where the government comes in and attacks the villages and then the Janjaweed horsemen do the clean ups, seize the property, do the pursuit of those who flee.

Allegedly, the volume of these attacks are down, but now I read that the African Union, this week, have come forward and said, no, they have documented yet another attack.

The government is working with the Janjaweed, it is their assertion, on attacking a camp. So I would ask you to specifically tell us about government support for the Janjaweed. How is it done? Who is doing it?

The International Criminal Court is supposed to be undertaking an examination. They are interviewing Janjaweed leaders who are ratting out people in the government and vice versa, pointing fingers, but how widespread is this backing? What do we know?

Another thing I would like to know is, President Bouteflika assured us when we were there, I mean he had conversations with the Government in Sudan in which they agreed no longer to engage in the use of air power in attacks on villages. What air assets are being utilized? I would like to know that. I saw recent press accounts that the Sudanese Government was purchasing 34 Chinese Bell jet fighters. So I would ask you if there is anything to that.

I certainly would want to know, and the Members of this Committee I know what to know, if there is any more use of air power.

The reason I bring up the question specifically about these Chinese fighters is because our past experience with the Government of Sudan includes their use of helicopter gunships built in China, deployed in attacks on civilians in Southern Sudan. These were not only Chinese-made, but they were based on the Chinese-built airstrips, controlled by the Chinese oil companies.

So if there is the introduction of these assets, I would like to understand how that can be, because I remember some 7 months ago the UN Arms Embargo that we were involved in shepherding through, and the UN Security Resolution, I think that was 1591 that was passed, apparently has not been implemented if the discussion now is to bring these Chinese fighters into the theater.

Lastly, in your testimony you note that we continue to make categorically clear the responsibility of the Government of Sudan, now the Government of National Unity, to both end support to the Janjaweed and work actively to stop its actions while ensuring discipline within the Government of National Unity's own forces. Those are the words from the testimony that we got today.

By the way, I know with the Administration, the Chairman and his staff, his staff has worked diligently to try to get testimony in advance so that we can read through the testimony, rather than an hour before the hearing, but I just raise that as a procedural question.

My point is, what are we doing besides protests to get this message across?

Ambassador FRAZER. Thank you. Let me apologize for the lateness of the testimony.

Mr. ROYCE. I fully suspect this has nothing to do with you. I know you very well, Jendayi, Secretary Frazer. I know that your testimony was submitted to the Administration for clearance.

The point I am raising is that so often in my Subcommittee and in the Chairman's Committee here, it is the day before and some of us have the eccentricity of reading these things the night before, and when we can't go through it in order to really look at the statements and the questions that we would like to ask, I think it doesn't allow Congress to as effectively do its oversight responsibilities.

That comment was not directed to you. It is directed to the Administration. So, thank you.

Ambassador FRAZER. Yes. Certainly. You asked a very complex and difficult question for me on how exactly the Janjaweed is operating. I will answer it a few ways.

One, we clearly have seen in the past that the Janjaweed were armed by the government. That the Government of Sudan—this is before it became a Government of National Unity—did provide air cover for their operations. So there was clear coordination between the Janjaweed and the Government of Sudan, the National Congress Party. What the First Vice President Salva Kiir has said, as often happens, when you support an armed militia group, you can lose control of them.

It is his view that the government has lost control of Janjaweed. That is not to say that there was a recent—I know there was a recent attack on a village in which there seemed to be some coordination again.

Mr. ROYCE. According to the African Union, those troops are highly trained and they are sort of our canary in the mine shaft there warning about these attacks.

One other point, I would think that if we could increase or expand their mandate to not just protection of their units and their observer status, but also protection of civilian population, it would give a deterrent effect in the region and might really encourage so many displaced people, who are wandering the desert, to at least come in close in order to try to get the support and defense they need to stay alive.

Ambassador FRAZER. Yes. A point very well taken. It is our understanding that the AU actually has the mandate to protect civilians, as well as themselves, but that different units don't seem to understand their mandate very well.

So partly we have to work with the AU to make sure that there is communication and capacity and that there is a headquarters element that can coordinate better the various units of the force itself.

So that is where we are looking for NATO to potentially play a role. We will work with the AU to try to get NATO to support the headquarters capacity.

Mr. ROYCE. The numbers, too, because the week we were there, there was an attack to the South of us in a village.

Ambassador FRAZER. Yes.

Mr. ROYCE. And because the AU troops were spread out so thinly through this region, you know they weren't able to deter that. So we need support for a more robust force in the West.

Ambassador FRAZER. Absolutely. On the question of the Sudanese Government purchasing Chinese fighters, I will have to go back and look into this.

This would be very concerning, as you said. We will look into it. I will actually be going to Beijing at the end of this month and certainly Sudan is on the agenda to be discussed, and we will raise this. If in fact they are circumventing an arms embargo, that is a very serious issue, but I actually don't have the information that you cited. So I have to——

Mr. ROYCE. I read it in *Aviation Week and Space Technology* and it was the assertion that they had purchased these 34 new fighters. If you could check that with those sources and also maybe we could look at the budget on the Sudanese side. If there is transparency in the budget, we will be able to see if that is budgeted.

Ambassador FRAZER. Yes.

Mr. ROYCE. Thank you.

Mr. SMITH. Ambassador Watson?

Ms. WATSON. Thank you so much. We understand that during the course of the Sudan civil war there were tens of thousands of children who were employed by various armed groups as child soldiers, and I guess that USAID or other aid agencies estimate that 20,000 of them have been demobilized since 2001.

Given the importance of restoring children's access to education in conflict and post-conflict situations, can you describe for us any assistance that USAID is providing to address the needs of reintegrating these child soldiers in the region and what would be the future plans, if you are aware, for educating children in the Sudan?

I mean how can we bring these children back in so they can reenter childhood?

Ambassador FRAZER. Yes. Thank you. I do know that USAID is planning to work on reintegration and certainly that children soldiers would be part of that reintegration. Let me see if I can find some more specific information.

Ms. WATSON. Sure.

Ambassador FRAZER. Congressman Watson, it looks like I am going to have to come back to you with the specific plan that USAID has for——

Ms. WATSON. Sure, you can.

Ms. FRAZER [continuing]. Integration of these children. I know that that specifically is in the disarming, demobilization, reintegration. They are going to focus on reintegration, but I don't have in front of me their specific plan for dealing with the children. I can come back to you with that.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE JENDAYI FRAZER TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE DIANE E. WATSON

The signing of the Comprehensive Peace Agreement (CPA) in Khartoum, Sudan on January 9, 2005 ended the 22-year civil war that so negatively impacted the lives of thousands of children in the South. Now that the war has ended, the United States can begin to focus on disarmament, demobilization, and reintegration (DDR) of the demobilized child soldiers and helping them to re-enter childhood. The majority of communities to which demobilized child soldiers are returning have suffered decades of extreme poverty, displacement, and conflict. Returning child soldiers benefit most from stable, supportive communities, accompanied by viable opportunities to participate in civilian life, in terms of both educational and livelihood prospects.

Available research indicates that actively participating in the livelihood of the family facilitates a positive and productive role for the child to play and offers direction for the future of the child. It is critical that any interventions—whether educational, psycho-social, or health-related—integrate support activities for demobilized children into child protection activities that serve the community as a whole.

We must develop community-based approaches to reintegration that extend education to all vulnerable children. We will work in collaboration with UN DDR and UN Children's Fund (UNICEF) to enhance skill development for employment. This includes training for the disabled, youth and women to become Interactive Radio instructors, non-formal education tutors and primary school teachers in their local areas. The USAID has $1,508,000 available immediately in FY2005 funds for this activity, and anticipates a similar funding level in FY2006.

Also, we will establish linkages with UN DDR and UN Children's Fund (UNICEF) programs for vulnerable groups with education packages, including life skills, literacy and non-formal education. These education programs are delivered to the community with affirmative action for vulnerable groups with a focus on integration. Also, we will provide civic education, literacy and English language programs that include peace building, gender (girls') education advocacy and gender based violence, HIV/AIDS and mine awareness themes. Finally, we will work within communities to mobilize them towards providing 'safe schools' with fencing and security guards.

Ms. WATSON. Yes. I would hope that the Chair would entertain maybe another hearing on the positive steps of some urgent actions that need to be taken now.

For the future, you know, how do we stabilize these young people? It is not that I need the information this moment. I would like to know what the plans are.

If the Chair would be so kind as to hold subsequent hearings, we can get the information then. If not, I can take it in writing.

Ambassador FRAZER. Thank you.

Ms. WATSON. But there is no rush on it.

Mr. SMITH. If the gentlelady will yield?

Ms. WATSON. Yes.

Mr. SMITH. This is part of an ongoing effort. I can guarantee we will have several additional hearings on Darfur, and on Sudan. So you will have ample time.

Ms. WATSON. Thank you so very much, Madam Secretary.

Ambassador FRAZER. Thank you. Congressman Watson, let me just say that we do have experience with this in Liberia, where I and Congressman Payne just were for the elections.

What we have done is we have actually taken many of those children and given them the skills training to help rebuild the infrastructure in Liberia, and I would imagine that USAID will work on some of that type of skills training, but I certainly will come back to you with a detailed plan.

Ms. WATSON. Thank you. I would like to emphasize that these children need not only retraining in skill sets, but they are going to need some psychological and emotional support.

I am a school psychologist in my other life and what I know about these children, many of them are orphans, many of them were probably forced into picking up these guns and many of them were too young to understand the permanency of the death that they cause, and so I would hope that in your plan in working with the children, as we say, you work with the whole child.

Ambassador FRAZER. Yes.

Ms. WATSON. And be sure that they have a mindset and a thought process where they will not go back into this behavior again. I am sure they were forced in probably the most gruesome ways to take up arms and kill innocent people.

Ambassador FRAZER. Sure.

Ms. WATSON. We have to administer to their psychological and emotional side as well.

Ambassador FRAZER. Okay.

Ms. WATSON. Thank you so very much and thank you, Mr. Chairman.

Mr. SMITH. Thank you, Ambassador Watson.

Ambassador Frazer, just let me ask you a couple of additional questions. We have been talking a little bit about the mandate of the AU, and first of all, if you could assess what your feeling is about how well they have performed.

I would just say, parenthetically, that both Mr. Simpkins and I, as much as one can glean from a couple-day visit to Darfur, were very impressed by their esprit de corps. They were very committed.

When I got to talking to Major Ajumbo, who is from Kenya, we compared notes, because he was very active in peacekeeping in Sarajevo in the former Yugoslavia. He is no stranger to being deployed in very difficult straits.

Is there mandate enough? Is it clear enough? How would you like to see it either changed or expanded? I ask because I am concerned like many.

But again, when you don't have armored personnel carriers and you are riding around in small vehicles that hardly provide the kind of protection necessary for a more robust mandate. But if you could speak to the mandate issue.

Second, in your prepared testimony you mentioned that we convened a donor meeting on October 18. Could you just give us some update on what happened at that donor meeting to help the African Union?

Third, on the issue of Dr. Garang's tragic death, do you have any insights on that case? Obviously most of us hope that it was an accident, but there were also some suggestions, including by the President of Uganda, that it might have been something other than that. What does the evidence tell you so far?

Fourth, I have a question about the Lord's Resistance Army in or near Juba in the South. What is being done to get the Sudanese to end their relationship with these Ugandan rebels, the Lord's Resistance Army?

Finally, mention was made earlier about the $530,000 contract to CR International. Could you elaborate on what that was all about?

We have had lobby firms in the past that have represented dictatorial governments, from Haiti to governments in eastern Europe: Very reputable firms, though not by the clients that they were able to front for, often came up and made presentations that had an awful lot of circus appeal.

This was the case when I was leading the effort to stop MFN status for Romania, because of the Securatate's horrific abuses of religious believers, and other human rights abuses under the Ciaucescu regime.

Every year when MFN status was coming up for review, the Romanian Government had lobby firms deliver seemingly excellent talking points that really got you to look askance as to what was

really happening on the ground and put a gloss on gross misbehavior. So if you could speak to the lobbying firm as well.

Ambassador FRAZER. Thank you. On the mandate, the AU needs to tell us if the mandate is not sufficient and they haven't yet told us that is the case.

As I said, it is a mandate that clearly states that they can protect civilians and protect themselves from attack, but it is also clear that there are certain units that don't seem to understand that mandate very clearly.

So part of this is communication. It may be that they need a more robust mandate, but they need to carry out the one that they have first and also, as I said, let us know. We are not opposed to a more robust mandate or for a more robust mandate. We will follow the lead of the forces in Darfur and try to make sure that they have what they need, whether that be mandate as well as equipment, training, and most importantly logistics in command and control, because as you say, they have operated very well, particularly at the battalion level.

They have done a fantastic job. They stepped up to the plate and we should commend their effort and continue to support their area, but when you start talking about brigade-level operations, they need more support at the headquarters element. More planning and more logistics to make sure they get the fuel that they need, et cetera. So we are looking at how we can assist them.

This is not new to the Administration. We worked very much like this with the ECOWAS force in Liberia, where we had a EUCOM element embedded in their planning headquarters to assist with that brigade-level operation, and it is also the case that it may be that over time, particularly if we talk about increasing the troop levels for the AU, that we may need to look at a Blue Hatter UN force, because the AU may be tapped out in terms of its ability to get new troop contributors, because frankly they are all over. They are in Cote d'Ivoire. They are in Liberia. They are in Burundi. They are stretched fairly thin. The countries that normally come up and provide troops are fairly stretched. So it may be that we need to look at a UN Blue Hatting.

But they have done very well and you know I think the African Union is demonstrating the very philosophy of Africans taking control of their own destiny and certainly they have stepped up in Darfur.

There is no information that we have that Dr. Garang's death was anything but an accident. I think the investigation is going on, but as far as the initial assessments, it was indeed a tragic, a very tragic accident.

As far as the LRA is concerned, there has been an agreement between this Government of Sudan and the Government of Uganda, to allow for the Government of Uganda to have sort of quick action in the Southern territory.

We believe that the SPLM will become an effective part of that relationship, to try to address the LRA threat. The LRA is actually starting to attack SPLM. So it is a very, very dangerous situation.

I think we have to take and do whatever we can to push the Government of Sudan, because what we fear is that there may be ele-

ments within the military that continues to provide information to the LRA and maybe even arms.

They may not represent Government of Sudan policy. That is a question that is still out there, but there is certainly some type of assistance we believe continuing with the LRA.

On the question of the lobbyist, the only thing that I can say there is that one lobbyist cannot change the Administration's approach to Sudan.

We think that this is a regime that needs fundamental transformation. That has been our approach from day one. As I said, January 22, President Bush said that we need to change and stop the killing that was taking place. That continues to apply in Darfur.

This Administration is very serious about the challenges in Sudan and where the responsibility lies in Sudan.

So certainly one lobbyist can't change, in any way, advocating for whomever, the fundamental approach of the Administration on Sudan.

Mr. SMITH. Mr. Payne?

Mr. PAYNE. Thank you, Mr. Chairman. We realize that one lobbyist can't change this Administration, probably. However, the thing that is baffling is why would the Administration, even though one lobbyist can't necessarily change the policy of this Administration, why would the Administration break an 8-year sanction, regardless to whether the lobbyist can change it or not, to change your sanctions law to allow lobbyists be paid $530,000 by the Government of Sudan to lobby the Congress and the Administration?

On one hand we say that we want to really show Sudan that we are serious. How do you show them that you are serious when you allow them to have a lobbyist come in?

I know it wasn't made on your level. However, I am simply saying it sends the wrong message. It sends the message that the Administration is not serious about Sudan.

We had sanctions on gum arabic. The Administration will allow gum arabic to come into this country unimpeded, because gum arabic is something that some corporations want and the Administration is not going to stop gum arabic from Sudan from coming in, in spite of the fact that we have sanctions on Sudan.

So you see the thing that is frustrating is that we say the right things, we talk things, but then on the other hand, it seems like we concede and we cajole and we finesse this Government of Sudan.

We don't have to do that. We are the most powerful Nation in the world. We don't have to play around with Sudan. There is no excuse for it. It is disgraceful. It absolutely makes no sense. Why do we have to play around with Sudan? We don't play around with anybody else. When we are serious about something, as we can see, we make our feelings known. But why do we play around with Sudan? It makes no sense at all to allow a law to be changed, to allow a lobby firm to come in to lobby.

If I were Bashir, I would say, "Things are going all right, you know they wink here and nod and we are just going to do the same thing."

If I were the governor of Sudan, I would continue to do what I am doing anyway, because I would say, "They are not serious. Why aren't they serious? Well, they are letting our gum arabic come in. They are letting us violate the CPA. They allowed a lobbyist to come in."

They sent a top former Ambassador, a very distinguished person, to be here. Not to be an Ambassador, but to just keep an eye on things that are going on.

I think that, and I can't understand why, our Government continues to allow this dastardly, murderous government to have a wink and a nod. I just can't understand. It is not a question. It is just a statement.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you. If I could, if the gentleman would yield for 1 second, the record should note that on the gum arabic question, both Mr. Payne and I were united. When the original Sudan Peace Act went through our Committee, way back in the 1990s, we originally wanted to prescribe that in terms of its ability to come into this country.

There was another Member from New Jersey, who also sits on this Committee, who took the opposite view, and that view prevailed. So we, at the markup level, could not hold onto that sanction, but we were united in trying to keep that, even though the chocolate-maker, Mars, is located in our State, along with a number of pharmaceuticals.

We did unite on that one, but again it was another Member from our own State who led the effort in the opposite direction.

Mr. Tancredo?

Mr. TANCREDO. Mr. Chairman, because I have just maybe a couple of questions, and if you have answered them while I was called out of the room, please tell me, and I will just simply read the transcript.

First of all, the issue of the other countries that are aiding the rebel movements in Darfur, what is in it for them? Why are they doing that? That is one. Go ahead.

Ambassador FRAZER. Okay. Yes. Thank you. Thank you very much, Congressman. The other countries that are supporting the rebels in Darfur, Chad, it may be ethnic- and tribal-based support.

Eritrea it is probably more strategic. Eritrea has had issues with the character of the regime itself, just as the United States has had trouble with the character of the regime, and so they may be supporting various rebel forces to try to transform the nature of the regime.

Mr. TANCREDO. What are we doing? What are our communications with them?

Ambassador FRAZER. Our communications, at this moment, are that the solution to Darfur and the solution to the East is negotiation. That we have a Comprehensive Peace Agreement in place that provides for the devolving of power from the center to the periphery, that provides for power sharing, wealth sharing, and that what we need to do is push the rebels to form a united front and to negotiate so that they can become part of the Government of National Unity, deliver benefits to their population, and help the

SPLM to transform the character of that regime as part of that Government of National Unity.

Mr. TANCREDO. Secondly, the ICC and the status of the investigation. I am well aware of our position with regard to the ICC, but several of us have attempted to make sure that we would like the State Department to help and to cooperate in any way possible with that investigation. What is the status?

Ambassador FRAZER. This issue did come up earlier.

Mr. TANCREDO. All right. That is okay. We don't have to be redundant. I will wait and read it. Thank you very much.

Ambassador FRAZER. Thank you very much.

Mr. SMITH. Just two final questions and then Mr. Payne might have one as well. H.R. 3127, as amended: Does the Administration have a position on that legislation?

Secondly, what was concluded at that donor meeting on October 18 for the African Union in terms of additional resources?

Ambassador FRAZER. Yes. Thank you. On the question of H.R. 3127, clearly we support the spirit of the legislation and the need for accountability for the perpetrators of violence and atrocities.

We will continue to watch to see how the bill comes out and we are prepared to consult with you on it, but the spirit of it, certainly we are with you on that.

On the donor conference, it was to strengthen the African Union mission, particularly looking at funding over time, trying to build international support to continue that funding and looking at the future of Darfur peacekeeping.

Some of the issues that came up were: What is the mandate? How do we support the mandate that is currently there? Do they need a stronger mandate? What would be required if it were a stronger mandate? How can you continue the funding in out years? That was the purpose of the meeting.

Mr. SMITH. Ranking Member Payne has a final statement.

Ambassador FRAZER. Yes.

Mr. PAYNE. I just want to say that you know we commend your department for the success in Liberia and the runoff that is coming. Outstanding job done by the State Department.

We are pleased and fingers are crossed that Burundi will move forward, and although the United States was not totally involved, watch and encourage, I am sure, South Africa to move forward.

We are pleased that the difficult job in the DRC is being moved forward and your recent visit to Zimbabwe, to Tanzania rather, dealing with the elections in Zanzibar and that tension that has been there for a decade or so is commendable.

We do feel that things that the Department is doing is moving in the right direction. That it is the right thing to do.

However, as you can see, Members of Congress are very frustrated at the United States policy in Sudan. We have been frustrated for a long time and we think that because of the lack of real commitment on the part of the Administration, that all of those things that are going well gets lost, when we sit around and allow a government like that to have the privileges that it does. And I hope that the message gets back up the food chain that we are very serious about the situation and that we expect our Government to

start acting in a more assertive and in a more responsible manner as it relates to Sudan.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much.

Ambassador, do you have any final comment you would like to make?

Ambassador FRAZER. The only final comment is to thank you for convening this hearing on Sudan. Again as I said, I thank you for your commitment and resolve, Mr. Chairman, as well as that of the Committee Members.

I just want to restate and assure you that the Administration feels as deeply as you do, and that comes from the very top, from President Bush himself, who was very strong on Sudan and what is necessary to get peace there. So we will continue to work together and I thank you.

Mr. SMITH. Ambassador Frazer, thank you so much for your leadership and for graciously spending this time here with us this afternoon. It has been very enlightening and informative. Thank you so much.

Ambassador FRAZER. Thank you.

Mr. SMITH. The hearing is adjourned.

[Whereupon, at 5:50 p.m., the Subcommittee was adjourned.]

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